



Questions and Answers: 90-day Petition Finding For Sonoran Desert Bald Eagle Population

Arizona Ecological Services Field Office

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Q: What was the Service petitioned to do?

A: In October 2004, the Center for Biological Diversity, Maricopa Audubon Society and Arizona Audubon Council petitioned the Service to designate the Southwest population of bald eagles as a distinct population segment, reclassify the population from its current threatened status to endangered and designate critical habitat. They later clarified the geographical extent of the petition to include the bald eagles breeding areas along riparian areas in the Sonoran Desert (entirely within Arizona). The Service has defined this specific population as the Sonoran Desert Population of the Bald Eagle. Under the Endangered Species Act, the Service is required to review the petition in order to decide whether it contains substantial scientific information that listing may be warranted in a process known as a 90-day finding.

Q: What did the Service's evaluation of the petition reveal and what is the Service's determination?

A: Under certain circumstances, the Endangered Species Act allows for the listing of populations of a species, called Distinct Population Segments (DPS). Petitions are required to demonstrate that a population is discrete (separate from other populations of the species), significant to the species and at risk of extinction for a population to be further considered for protection under the Endangered Species Act.

On the basis of its review, the Service found that the petition does not present substantial scientific or commercial information to indicate that the Sonoran Desert bald eagle constitutes a valid DPS. Although the population is discrete, the petition does not present substantial scientific information that the Sonoran Desert bald eagle may be significant in relation to the remainder of the species. Therefore, the Service concluded that the Sonoran Desert population is not a listable entity pursuant to section 3(15) of the Act. However, recognizing the volume of information provided in the petition, and the national importance of the bald eagle, the Service also conducted a threats analysis.

The Service found the petition did not present substantial information that threats to the population are increasing to a level that puts the population in danger of extinction – the level necessary to warrant reclassification from threatened to endangered status. Much of the petition information on threats to eagles appears to be accurate; other observations are inconclusive as to the prospects for bald eagle persistence in the Sonoran Desert. The bald eagle is currently at its highest number ever recorded in the Arizona despite the threats presented in the petition. While it is possible, continued human population expansion may result in a declining Sonoran Desert eagle population, such a conclusion is speculative.

Q: What is the current status of the bald eagle?

A: There are approximately 7,066 breeding pairs of bald eagles in the conterminous 48 states, up from an estimated 417 in 1963. Nationally, the bald eagle is recognized as a threatened species and the Service has proposed to remove it from the list of species protected under the Act. The species is also protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act and will continue to receive protection under these acts should the species be delisted under the Endangered Species Act.

Q: How many Sonoran Desert-bred bald eagles are there and how are they different from northern-breeding bald eagles?

A: There are presently 50 bald eagle breeding areas in Arizona and an estimated 166 eagles in the state. There are an additional four bald eagle nest sites in New Mexico. In the Sonoran Desert, bald eagles breed and forage in close proximity to a variety of aquatic habitats, including reservoirs, regulated river systems, and free-flowing rivers and creeks. Nests are placed mostly on cliff edges, rock pinnacles, and in cottonwood trees. Breeding pairs in the Sonoran Desert establish breeding territories in December or January and lay eggs in January or February, which is early compared with bald eagles from northerly areas. Numerous northern-nesting bald eagles winter in the Sonoran Desert.

Q: What threats were identified in the petition and how did the Service respond to them?

A: The petition argues that threats to the continued existence of the Sonoran Desert population are increasing, requiring reclassification of the Sonoran Desert population to endangered. Grouped by the relevant three out of five listing factors, their arguments, and the Service's responses, are as follows:

Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

Petition cited:

- *Human population growth*, housing and infrastructure development, as well as increased water needs will continue on the Salt and Verde rivers near the Phoenix metropolitan area, Cottonwood and Prescott.
- *Riparian habitat loss* due to increasing development, dam operations, dewatering via groundwater pumping and diversions, off-road vehicles, woodcutting, agricultural developments, destructive cattle grazing, and lack of vegetation-rejuvenating floods.

Service response:

While this information appears to be accurate, the evaluation questions whether there is enough information to reliably predict the effects of these factors on nesting bald eagles. The bald eagle is currently at its highest number ever recorded in Arizona in spite of the above-described habitat pressures. While it is possible that continued human population expansion will eventually result in a declining Sonoran Desert eagle population, such a conclusion is speculative as to the eventuality, timing, and magnitude of such population-level effects.

Inadequacy of Existing Regulatory Mechanisms

Petition cited:

- The Service *approved excessive numbers of bald eagle deaths*, through take statements in section 7 consultations regarding aircraft over flights, grazing, etc.

- The Service has *reduced protections* afforded to the species under the Act by downlisting to threatened, which results in less habitat protection for eagles.

Service response:

The petition grossly misinterprets the level of permitted incidental take of bald eagles. Although the Service has permitted some incidental take of eagles, the threats imposed by these permitted actions, even when considered cumulatively with previous actions, would not result in extinction of the species or the Sonoran Desert population. The Service's recognition of these threats does not indicate a lack of agency resolve to protect the bald eagle. Even with the downlisting or a possible delisting of the bald eagle, the species will continue to be protected under the Bald and Golden Eagle Act and Migratory Bird Treaty Act.

Petition cited:

- The population is dependent on intensive human support and management by the Arizona Bald Eagle Nestwatch Program, which is key in minimizing human impacts on breeding birds. Funding for this program will likely be reduced should the species be delisted, making its protections less adequate.

Service response:

While we acknowledge the important contribution of Arizona Game and Fish Department's Bald Eagle Nestwatch Program, the conclusion that the program funding will be reduced is speculative and does not provide evidence that endangered status is warranted.

Other Natural or Manmade Factors Affecting the Species' Continued Existence

Petition cited:

- The population is small and without prospect for significant expansion as there is little remaining unoccupied, suitable riparian habitat. Species with smaller population sizes have a higher likelihood of inbreeding depression.
- Mortality of breeding adults exceeds recruitment, resulting in population instability.
- A population viability analysis (PVA) demonstrated a high risk for extinction for the population within the next 57 to 82 years.
- Eggshell thinning continues to be a problem, due to unknown causes.
- Reproductive rates are lower for the Sonoran Desert population than for the rest of the United States.

Service response:

The above-mentioned demographic observations are inconclusive as to the prospects for bald eagle persistence in the Sonoran Desert. We are unaware of any manifestation of these alleged demographic deficiencies in the Sonoran Desert population. The above-mentioned demographic observations are inconclusive and not supported by the population trend over the last few years.

Petition cited:

- Recreational pressures near existing breeding areas are increasing due to expansion of the Phoenix metropolitan area.
- Agricultural developments have resulted in impacts to available habitat on the lower Verde River.
- Some researchers have concluded that fish diversity was a crucial component to suitable breeding habitat for the southwestern population. The native fishery on which the southwestern population depends continues to decline.

- Contaminants continue to pose various threats, including on-going pesticide use.
- Fishing line and tackle have killed at least two nestlings.
- Mortality due to heat stress. The Southwest is currently experiencing drought conditions which are expected to exacerbate these conditions for several years.
- Noise disturbance from private, military, and emergency aircraft is expected to persist and will likely increase.

Service response:

The Service has evaluated the effects of these types of actions for many years, always concluding that such activities are not likely to jeopardize the continued existence of the species. These opinions have been borne out by the population increases of the bald eagle in the Sonoran Desert.